



Attorney's Docket No. 5784-9

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.*
Appl. No.: 09/285,429
Filed: April 2, 1999
For: INJECTABLE FORMULATIONS CONTAINING SUCCINATE

Group Art Unit: 1653
Examiner: F. Moezie

June 28, 2001

Commissioner for Patents
Washington, DC 20231

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Sir:

TECH CENTER 1600/2900

Transmitted herewith is an AMENDMENT in the above-identified patent application.

- ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.
☐ No additional fee is required.

The fee has been calculated as shown below:

| (COL. 1) | | (COL. 2) | (COL. 3) | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--|------|------------------------------------|---------------|------------------|------------|---------------------------|------------|
| CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDIT. FEE | OR RATE | ADDIT. FEE |
| TOTAL | * 28 | ** 20 | = 8 | X9= | \$ | X18= | \$ 144 |
| INDEP | * 2 | *** 1 | = 1 | X40= | \$ | X80= | \$ 80 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | +135= | \$ | +270= | \$ |
| | | | | TOTAL ADD FEE \$ | | OR TOTAL | \$ 224 |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

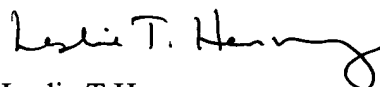
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 16-0605 in the amount of \$.
☒ A check in the amount \$224.00 to cover the additional fee is enclosed.

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- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



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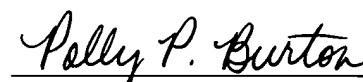
(Type or print name of person signing certification.)

Signature

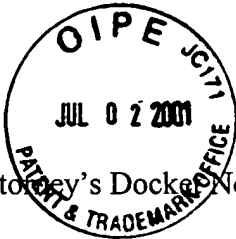
Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on June 28, 2001.



Polly P. Burton



Attorney's Docket No. 5784-9

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**AMENDMENT AND RESPONSE
UNDER 37 C.F.R. §1.111**

Sir:

Responsive to the Office Action mailed December 28, 2000, reexamination and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

The Examiner is requested to enter the following amendments:

In the Claims:

Please cancel claims 15-20 without prejudice to or disclaimer of the subject matter contained therein.

Please amend claims 1, 3, 4, 5, 11, and 12 as follows:

1. (Amended) A pharmaceutical composition comprising at least one pharmaceutically active agent and a buffer, wherein said buffer consists substantially of succinate at a concentration of about 10 mM to about 40 mM and a counterion.

07/06/2001 WABR/HAM 00000106 09285429

01 FC:103
02 FC:102

144.00 OP
80.00 OP